IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

HUGO HERNANDEZ AND SARA	§	
HERNANDEZ,	§	
	§	
Plaintiffs,	§	
V.	§	CIVIL ACTION NO. 4:15-cv-643
	§	
HARTFORD LLOYD'S INSURANCE	§	
COMPANY, VERONICA JONES,	§	
AND ANDRE LANGSTON	§	
	§	
Defendants.	§	

NOTICE OF REMOVAL

Defendant Hartford Lloyd's Insurance Company ("Defendant" or "Hartford") files this Notice of Removal and, in support thereof, would show the Court as follows:

- 1. On August 13, 2015, Plaintiffs Hugo Hernandez and Sara Hernandez ("Plaintiffs") filed their Original Petition (the "Petition") in Cause Number 15-07011-367, in the 367th Judicial District Court of Denton County, Texas. Defendant was served on August 24, 2015. Defendant Veronica Jones was served on August 27, 2015; Defendant Langston was served on September 3, 2015. Defendants filed their answer on September 11, 2015.
- 2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff's petition is attached as Exhibit C; (iv) a copy of Defendant's

answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is attached as Exhibit E; (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F; and (vii) an Affidavit of Lisa Levin attached as Exhibit G.

- 3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.
- 4. The other Defendants to this litigation, Veronica Jones and Andre Langston, hereby consent to this removal.
- 5. The claims asserted against Defendants are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiffs were, and still are citizens of the State of Texas because they are individual residents of the State of Texas. Defendant is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. A Lloyd's Plan is an unincorporated association of underwriters who sell insurance through an attorney-in-fact or other representative.¹ The citizenship of a Lloyd's Plan insurer, like all unincorporated associations, is determined by the citizenship of its members.² Hartford's underwriters are citizens of the states of Connecticut, Massachusetts and Washington.³ Thus,

¹ TEX. INS. CODE §§ 941.001, 941.051-941.052; Salazar v. Allstate Tex. Lloyd's, Inc., 455 F.3d 571, 572 n.1 (5th Cir. 2006); Royal Ins. Co. of Am. v. Quinn-L Capital Corp., 3 F.3d 877, 882 (5th Cir. 1993), cert. denied, 511 U.S. 1032 (1994).

² Royal Ins. Co. of Am., 3 F.3d at 882; Cronin v. State Farm Lloyds, No. H-08-1983, 2008 WL 4649653, at *2 (S.D. Tex. Oct. 10, 2008); Massey v. State Farm Lloyd's Ins. Co., 993 F. Supp. 568, 570 (S.D. Tex. 1998).

³ Exhibit G, Affidavit of Lisa Levin.

Hartford is a citizen and resident of the states of Connecticut, Massachusetts and

Washington for purposes of diversity.4 Defendant Jones is a citizen and resident of

Georgia. Defendant Langston is a citizen and resident of Illinois.

6. The amount in controversy exceeds \$75,000 as stated in Plaintiff's Petition.

7. The one-year statute of limitation on removal of diversity cases imposed

by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced

less than one year ago.

8. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendants intend

to serve written notice of this removal on the state court promptly after filing this

Notice of Removal.

FOR THESE REASONS, Defendants hereby effectuates removal of this cause to

this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

Laura J. Grabouski

Lead Attorney

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ATTORNEYS FOR DEFENDANTS

⁴ See Royal Ins. Co. of Am., 3 F.3d at 882.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on counsel of record below via electronic service and/or via facsimile, on September 22, 2015.

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/s/ Laura J. Grabouski

Laura J. Grabouski